

# Montana State Library





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THE

# INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

JUNE 1984

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## PLEASE RETURN

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JUN 4 - 1984

CAPITOL BUILDING AND PLANNING COMMITTEE

MONTANA STATE LIBRARY

1515 E. 6th AVE.

HELENA, MONTANA 59620

MEETING  
HELD MAY 18

The Capitol Building and Planning Committee met May 18 to consider a number of issues pertinent now that the first phase of Capitol renovation is set to begin.

COMMITTEE  
SPACE -  
SECRETARY OF  
STATE MOVE

As the law was amended in 1983, the Capitol Building and Planning Committee is responsible to advise the Department of Administration regarding the allocation of space in the Capitol for committee rooms and legislative offices. When it became clear that renovation of the interior of the Capitol would be delayed, the Secretary of State asked to move into the west wing of the second floor of the Capitol. To do so would cause the House of Representatives to be displaced from two committee rooms and staff offices in that area. So the Committee was asked for advice. After having considered several options, including maintenance of the status quo, the Committee recommended that:

- the Secretary of State be moved as proposed,
- the House take over the Senate Taxation room, the old Supreme Court Chamber and the four offices around the Supreme Court Chamber, and
- the Senate use the space in the old law library which will be temporarily remodeled into two committee rooms and staff support space.

The Committee was assured additional space will be available on the second floor for the House steno pool if needed.

INTERIOR  
RENOVATION

The above are temporary solutions for the 1985 session only, as the interior renovation will take place thereafter and further change committee rooms.

Analysis of the construction budget available after award of the phase 1 contracts indicates a safe budget figure of \$4,910,000 can be used to plan an interior renovation project. The architects analyzed the project to see how the basic goals of the renovation could be accomplished within that budget. By removing a number of features from the renovation as originally proposed, enough money could be saved to proceed within the budget.

PHASE 2  
TO BE BID  
JANUARY 1985

Other desirable features of renovation could then be included as additive alternates to be done if the budget allows due to good bids or if the legislature chooses to authorize more money in 1985. The Committee recommended that the architect be instructed to proceed with plans for a bid opening on the phase 2 renovation in January 1985 with a project within the budget. This will guarantee a project can begin at the conclusion of the next session. The architect will prepare a list of additive alternates for Committee review later this year.

CONSTRUCTION  
BEGINS

Work should begin on the Capitol in early June. The work includes restoration of all the exterior stone, remodeling of the south entry off the parking oval, some minor work at the north entrances, remodeling of the old Supreme Court Chamber, and the installation of a new stair and elevator tower between the east wing and the east portion of the original building. Every effort will be made by the contractors to minimize the disruption, noise, and dirt resulting from this remodeling; however, visitors to the Capitol will experience some noise and disruption at various times during the course of this construction period.

PARKING TO  
BE RESTRICTED  
ON REAR OVAL

A contractor staging area has been designated in the south parking oval. Within the next few weeks this area will be blocked off except for a few designated parking stalls, and parking will be prohibited from the oval. Vehicular access to the south entry will be permitted for deliveries and handicap access. The contractors request your cooperation by not driving through or parking in the oval.

JOINT INTERIM SUBCOMMITTEE NO. 2

NAVIGABILITY  
RULING  
ALTERS PLANS

On May 15, the Montana Supreme Court issued its ruling in the case of Montana Coalition for Stream Access v. Dennis Michael Curran, thereby altering the course of action previously set by Interim Subcommittee No. 2. Generally speaking, the Supreme Court ruled that the public may make recreational use of any surface waters in Montana capable of such use without regard to streambed ownership. Aspects of the opinion, such as what constitutes recreational use and whether the public may use the streambed, are not explicitly stated. However, the ruling can be regarded generally as a broad recognition of recreational use rights, founded in the Montana Constitution and the public trust doctrine. The case still before the court involving the Beaverhead River (the above case involved questions on the Dearborn) may shed further light on some of the questions unanswered in this decision.

LOCAL  
MEETINGS  
POSTPONED

Subcommittee No. 2 now is assessing its work options and directions in light of the opinion. The Subcommittee indefinitely postponed the local meetings that were being organized by the conservation districts at the time the decision came out. The Subcommittee has received a legal analysis of the opinion and general options for continued work plans. These options included: (1) developing definitions and clarifying particular points of law related to recreational use of waterways; (2) developing management strategies; and (3) developing an understanding of the public trust doctrine.

MID-JULY  
MEET POSSIBLE

The Subcommittee's next meeting probably will be in mid-July, at a date to be announced later.

JOINT INTERIM SUBCOMMITTEE NO. 4

MAY 18  
MEETING HELD

Joint Interim Subcommittee No. 4 met on Friday, May 18, to discuss teacher tenure issues and options. Representatives from the Office of Public Instruction presented information on teacher evaluation practices and possible changes in the appeals process for teacher employment disputes. The OPI recommended that appeals from the State Superintendent of Public Instruction be heard directly by the Montana Supreme Court, thus bypassing the District Court appeal level.

**RECOMMEND-  
ATION MADE**

The Subcommittee clarified and recommended draft legislation: (1) to provide a teacher with notice of intent to dismiss and a hearing prior to dismissal; and (2) to provide that a tenure teacher who is employed in an administrative position may be assigned to a teaching position with a reduction in salary. The Subcommittee failed to agree on legislation allowing a school district to terminate a tenure teacher when the financial condition of the school district requires such a reduction in teaching staff.

The Subcommittee requested draft legislation: (1) to provide for only one board hearing on intent to terminate a tenure teacher, thus eliminating the "reconsideration" hearing; (2) to allow the school district and the collective bargaining unit to agree to waive the statutory tenure provisions in favor of collective bargaining on tenure issues; and (3) to repeal the tenure laws in favor of an alternative due process system.

**NEXT MEETING  
SEPTEMBER  
28 and 29**

The Subcommittee will meet again on September 28 and 29 to make final recommendations on suggested legislation.

**REVENUE OVERSIGHT COMMITTEE**

**JUNE 7  
MEETING SET**

The Revenue Oversight Committee will meet in Helena on Thursday, June 7, 1984, beginning at 8:30 A.M. The meeting will be held in room 104 of the Capitol.

**DEPARTMENT  
MATTERS TO  
BE HEARD**

The morning session will be taken up with reports from the Department of Revenue on the status of current litigation, timber taxation options on farm lands, rural residence appraisals and the inclusion of wells and septic tanks, draft legislation on corporation taxes, rules review, and other business.

**LIQUOR,  
RAILROADS,  
AIRLINES,  
AND EXEMPT  
PROPERTIES  
CONSIDERED**

Scheduled in the afternoon are reports from the Committee's staff on liquor license convenience and necessity criteria draft legislation, property tax classification as it relates to railroad and airline property, and options for dealing with problems when property is exempt from taxation. This last report deals generally with issues related to exemptions for "purely public charity" and property used for "exclusively educational" purposes.

#### COAL TAX OVERSIGHT SUBCOMMITTEE

##### JUNE MEETINGS AND TOUR SET

Following its two-day meeting at the Ponderosa Inn in Billings, the Subcommittee and Billings-area legislators will tour part of the eastern Montana coal mining area on Wednesday, June 20. Westmoreland Resources and Western Energy will host the visitors at the Westmoreland mine and at Colstrip.

#### SELECT COMMITTEE ON INDIAN AFFAIRS

##### LAST MEETING SET FOR SEPTEMBER

The Indian Affairs Committee will conclude its interim work on Thursday, September 20, 1984, in Helena. At this final meeting, the Committee will hear updates on activities concerning involuntary civil commitments of tribal members, reserved water rights negotiations, and state-tribal cooperative agreements. Members will review draft legislation on these topics and select bills for introduction during the 1985 session.

##### OPPEDAHL TO LEAVE STAFF

Legislative Council Researcher Jim Oppedahl plans to leave the staff effective June 8, after seven years of service in a variety of assignments. Most recently, Jim served as the researcher assigned to staff the Revenue Oversight Committee. His hard work and wit will be missed. Jim will join the Budget Office beginning June 11.

\*all meetings are subject to change

**LEGISLATIVE INTERIM CALENDAR**

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
3	4	5	6	7 Revenue Over- sight - rm. 104 Leg. Audit Comm. - rm. 108	8 Leg. Audit Comm. - rm. 108	9
10	11 Leg. Finance Comm. - rm. 104 all day	12 all day	13	14	15	16
17	18 FATHER'S DAY	19 Coal Tax Oversight Comm. Billings	20	21	22	23
24	25	26	27	28	29 Leg. Council Rm. 139-10 am	30

\*all meetings are subject to change

LEGISLATIVE INTERIM CALENDAR

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4 INDEPENDENCE DAY	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
			NCSL - Annual Meeting - BOSTON			
29	30	31				

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